



INSTRUCTIONS FOR A REASONABLE USE EXCEPTION

This packet may be submitted for the following:

- When requesting relief from critical area regulations in MMC 16.50

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City’s application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of application submittal.
- D. A Reasonable Use Exception requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

NOTE: Deviations from an approved reasonable use exception at the time of applying for a building permit may result in the request being returned to the Hearing Examiner for further review and consideration and delay of the project.

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a reasonable use exception application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to critical area. A complete application will include:
 - 1. Completed Reasonable Use Exception Checklist, Reasonable Use Exception Application and Declaration of Agency form
 - 2. Proof of ownership (copy of deed)
 - 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements
 - i. All other structures on the property
 - j. Significant natural features
 - k. Structural calculations, including maximum structural coverage and impervious surface
 - l. Approximate location of critical area with distances delineated

- B. Critical area report consistent with the requirements of MMC 16.50.070
- C. Mitigation plan consistent with the requirements of MMC 16.50 (if necessary)
- D. Applications/approval from other agencies (as applicable)
- E. State Environmental Policy Act (SEPA) checklist
- F. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three parcels, whichever distance is greater but not to exceed 1,000 feet. See mailing labels information bulletin for further information.
 - 1. Vicinity map showing the property with the 300' minimum buffer of property owners who will be notified of the application.
- G. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the reasonable use exception request.

Procedure

II. REASONABLE USE EXCEPTION PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. For a reasonable use exception application requesting an encroachment into a setback, corner survey stakes must be in place and clearly visible at the time of application to allow inspection of the site.
- C. **MODIFICATIONS: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger a re-noticing to neighbors depending upon the extent of the modifications.**
- D. Following receipt of the reasonable use exception application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be scheduled with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.
- E. **STAFF REPORT AND MEETING AGENDA**: A staff report and meeting agenda will be emailed to the applicant to review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner basis his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.

- B. At the public hearing all evidence for or against the application will be heard in the following order:
1. The Hearing Examiner will introduce the requested application.
 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any reasonable use exception may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a reasonable use exception:
1. The application of the critical areas regulations would deny all reasonable use of the property; and
 2. The proposed development does not pose an unreasonable threat to the public health, general welfare, or safety on or off the site, nor does it damage nearby public or private property; and
 3. Any alteration of the critical area and/or buffer is the minimum necessary to allow for reasonable use of the property; and
 4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant or their predecessors; and
 5. Any impacts permitted to the critical area and/or buffer are mitigated in accordance with MMC 16.50.060(B) and (D) to the greatest extent feasible; and
 6. The proposed development protects critical areas and/or buffer functions and values consistent with the best available science; and
 7. The proposed development is consistent with other applicable regulations and requirements.
- C. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.
- D. An approved reasonable use exception permit is effective for a period of eighteen (18) months from the date of approval. A reasonable use exception shall become void at the expiration at that time if the applicant has not filed a complete building permit application prior to the expiration date.

V. APPEALS

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



DEVELOPMENT
SERVICES

REASONABLE USE EXCEPTION CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a reasonable use exception application that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

<input type="checkbox"/>	Reasonable Use Exception Checklist
	Complete Reasonable Use Exception Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	Critical area report consistent with the requirements in MMC 16.50.070
<input type="checkbox"/>	Mitigation plan consistent with the requirements in MMC 16.50 (if necessary)
<input type="checkbox"/>	Applications/approvals from other agencies (as applicable)
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist
<input type="checkbox"/>	Special studies prepared to support the reasonable use exception (as applicable)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. <input type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.



DEVELOPMENT SERVICES

REASONABLE USE EXCEPTION APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- When requesting relief from critical area regulations in MMC 16.50

General Information

Owner Name:

Property Address:

Legal Description:

Tax Parcel Number:

Agent / Primary Contact

Name:

Email:

Contact Phone:

Alternative Phone:

Mailing Address:

City:

State:

Zip:

Property Information

Lot Size:

Is the development in the Shoreline Jurisdiction?

YES (Not eligible for a Reasonable Use Exemption) NO

Check all boxes for which relief is requested:

Wetland

Stream

Geological Hazard

Wildlife Habitat Conservation Area

Briefly describe any known nonconforming conditions:

Briefly describe the project for which relief is being requested:

Approval Criteria

The following is a list of the approval criteria. Please respond to each item by providing as much detailed information as possible to support your request. Attach more pages if necessary.

1. The application of the critical areas regulations would deny all reasonable use of the property.

2. The proposed development does not pose an unreasonable threat to the public health, general welfare, or safety on or off the site, nor does it damage nearby public or private property.

3. Any alteration of the critical area and/or buffer is the minimum necessary to allow for reasonable use of the property.

Approval Criteria (continued)

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant or their predecessors.
5. Any impacts permitted to the critical area and/or buffer are mitigated in accordance with MMC 16.50.060(B) and (D) to the greatest extent feasible.
6. The proposed development protects critical areas and/or buffer functions and values consistent with the best available science.

Approval Criteria (continued)

7. The proposed development is consistent with other applicable regulations and requirements.

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature _____ Owner Agent Date _____

Signature _____ Owner Agent Date _____